IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 18581 of 2007(K)

PETITIONER:

SUDHA.B., AGED 52 YEARS,
W/O.SASIKUMARAN.N., T.C.1/253 (1),
'GURUKRIPA', MEDICAL COLLEGE P.O., ULLOOR,
TRIVANDRUM-11.

BY ADV. SRI.B.S.SIVAJI

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SECRETARY, MINISTRY OF LOCAL
ADMINISTRATION DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

3. THE SECRETARY, CORPORATION OF
THIRUVANANTHAPURAM, THIRUVANANTHAPURAM.

4. THE CHIEF TOWN PLANNER,
TOWN PLANNING OFFICE, KOTTARATHIL BUILDINGS,
PALAYAM, THIRUVANANTHAPURAM.

R1 & R2 BY SR. GOVT. PLEADER SRI. K. J.MOHAMMED ANZAR.
R3 & R4 BY ADV. SRI. N. NANDAKUMARA MENON.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.18581 of 2007

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Dated this the 21st day of June, 2007

JUDGMENT

Heard counsel for the petitioner and the learned Standing Counsel for the Corporation. Case of the petitioner in brief is that petitioner is the owner of a property and she applied for building permit. It was rejected on the basis of Ext.P1 scheme, which was passed in 1979, but it is pointed out that it is actually 1976. Petitioner relies on Ext.P3 judgment of this court, wherein a learned Single Judge following the decision reported in **Padmini v. State of Kerala** (1999 (3) K.L.T. 465) issued certain directions. It is not in dispute that the petitioner is also entitled to get the benefit of the said judgment.

In such circumstances the writ petition is disposed of as follows:

Ext.P2 is quashed and the third respondent is directed to pass fresh orders in the application submitted by the petitioner, if the plan is otherwise in order, on condition that the petitioner files an undertaking in the form of an affidavit stating that if a notification under Section 4 (1) of the Land Acquisition Act is promulgated within one year of

issuance of the building permit, the petitioner will surrender the property including the building constructed without claiming any compensation for the building. It is also made clear that even thereafter if the Corporation or the Government wants to acquire the property for any genuine public purpose, this judgment will not stand in the way of doing so and the respondents will give adequate compensation to the petitioner. A decision will be taken on the application for building permit within a period of one month from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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